

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
H. CRISTINA CHEN-OSTER, SHANNA
ORLICH, ALLISON GAMBA, and MARY DE
LUIS,

Plaintiffs,

- against -

GOLDMAN, SACHS & CO. and THE
GOLDMAN SACHS GROUP, INC.,

Defendants.
-----X

10-cv-6950 (AT) (RWL)

ORDER RE NOTICE

ROBERT W. LEHRBURGER, United States Magistrate Judge.

On March 26, 2020, this Court issued a Decision And Order granting in part and denying in part Defendants' motion to compel arbitration (Dkt. 983.) As relevant to the instant order, the Court ordered remedial relief with respect to one group of class members (the "EAA Members"):

Goldman's Motion to Compel with respect to the Equity Award Agreements is conditionally granted to the extent that those Class Members who executed only Equity Award Agreements (and not also Separation Agreements, MD Promotion Agreements, or PWA Agreements with arbitration provisions) shall have 45-days notice of the opportunity to opt out of arbitration. If they do not opt out, any claims those Class Members have against Goldman in connection with this action must be brought through individual arbitration through the procedures articulated in their contractual agreements.

Dkt. 983 at 88. The parties have submitted competing proposals for the content and means of providing notice to the EAA Members (the "Notice"). See Dkt. 1299. This order resolves the disputed issues.

1. **Generally:** The Notice is being issued in a different context than the initial class-wide notice. The content, format, and means of delivery of notice need not be the same as they were for the initial class-wide notice. That is particularly so as the EAA Members must affirmatively opt out of arbitration in order to remain in the class, whereas the initial notice required no affirmative action to remain in the class. Moreover, the overriding purpose of the new Notice is to allow the designated recipients to make an informed and knowing choice.

2. **Form And Content:** As between the competing proposals, Plaintiffs' proposal far better serves the purpose for which notice is being issued than Defendants' proposal. At the same time, the Court believes certain modifications should be made to the content of Plaintiffs' proposed Notice in the interest of promoting choice and making the Notice clear, direct, brief, and readable. Those changed are reflected in the attached form Notice.

3. **Delivery:** The means of delivery proposed by Plaintiffs is appropriate and reasonable in the present context. The notice thus shall be sent by USPS Priority Mail using 9½ x 12½ envelopes, email, and text.

4. **Reminder:** The reminder procedure proposed by Plaintiffs is appropriate and reasonable in the present context. A reminder post card, email, and text message shall be sent 10 days prior to conclusion of the 45-day notice period.

5. **Communications:** As Plaintiffs propose, Class Counsel shall seek *in camera* approval with the Court prior to initiating communications with EAA Members. Plaintiffs need not disclose to Defendants the format and frequency of such contacts, but Plaintiffs shall maintain a record of that information.

The parties shall proceed with issuing notice consistent with the foregoing.

Dated: October 18, 2021
 New York, New York

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Copies transmitted to all counsel of record.

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK
CHEN-OSTER, ET AL. V. GOLDMAN, SACHS & CO., ET AL., NO. 1:10-CV-06950-AT-RWL

THIS COURT-APPROVED NOTICE CONCERNS YOUR RIGHTS

You are a member of a certified class of female current and former Goldman Sachs Associates and Vice Presidents in the gender discrimination lawsuit pending in federal district court for the Southern District of New York (in Manhattan). The case is captioned *Chen-Oster v. Goldman, Sachs & Co.*, No. 1:10-CV-06950-AT-RWL. (An earlier notice describing more about the lawsuit can be found here: [\[REDACTED\].com/\[REDACTED\]](#).) You are receiving this new notice because you accepted at least one equity award from Goldman Sachs between 2016 and 2018 by an Equity Award Agreement that included an arbitration provision. The arbitration provision, if enforced, would exclude you from the class action and require you to instead file for arbitration in order to enforce your rights.

The court has ruled that you may choose to reject the arbitration provision for the purposes of this class action only.

The court's full order can be found here: [\[REDACTED\].com/\[REDACTED\]](#).

If you choose to reject the arbitration provision, you will remain a class member and will not be required to arbitrate to enforce your rights. Rejecting arbitration will not impact your entitlement to the equity award(s) granted under your Equity Award Agreements. Attorneys appointed to represent you, known as Class Counsel (whose contact information is below), will continue to do so at no out-of-pocket cost to you.

If you choose to accept the arbitration provision, you will be excluded from the class action lawsuit, and to pursue your claims from this action, you would need to initiate an arbitration and may need to retain an attorney. The filing deadline for your claims will depend on individual circumstances, and your claims may expire if you do not act promptly.

To remain in the class action, you must affirmatively opt out of arbitration by completing and submitting the enclosed form. If you do nothing, you will no longer be in the class and will have to initiate arbitration to pursue your claims.

Please make your selection on the enclosed form, postmarked by [\[REDACTED\]](#), 2021, or use the QR Code



Personal Code [\[REDACTED\]](#)

You may submit your selection form by mail using the enclosed, prepaid envelope (if you are located in the United States). You may also email a scanned copy of the completed form to [\[REDACTED\]@\[REDACTED\].com](#) or fax the form to [\[REDACTED\]](#) by [\[REDACTED\]](#), 2021. You may also make your selection at [\[REDACTED\].com](#) using personal code [\[REDACTED\]](#), also by [\[REDACTED\]](#), 2021.

Class Counsel may provide confidential advice at no out-of-pocket cost to you.

ATTORNEY NAME

Lieff Cabraser Heimann & Bernstein, LLP

Phone: [\[REDACTED\]](#)

Email: [\[REDACTED\]@lchb.com](#)

ATTORNEY NAME

Outten & Golden, LLP

Phone: [\[REDACTED\]](#)

Email: [\[REDACTED\]@outtengolden.com](#)

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK
CHEN-OSTER, ET AL. V. GOLDMAN, SACHS & CO., ET AL., NO. 1:10-CV-06950-AT-RWL

EQUITY AWARD ARBITRATION SELECTION FORM

Please check one box below and complete the bottom portion.

REJECT ARBITRATION PROVISION.

☐

This means I will remain a member of the certified class and do not need to do anything else at this time to pursue my claims. Class Counsel will continue to represent me without out-of-pocket cost to me.

ACCEPT ARBITRATION PROVISION.

☐

This means I will no longer be a class member, and I cannot recover from the class action. If I wish to pursue claims, I must initiate an arbitration.

THIS FORM MUST BE POSTMARKED NO LATER THAN [REDACTED], **2021** IF SENT VIA MAIL.

YOU MAY USE THE PREPAID ENVELOPE ENCLOSED IF YOU ARE LOCATED IN THE UNITED STATES. IF YOU ARE MAILING THE FORM FROM ABROAD, THE ADDRESS IS:

RUST CONSULTING - _____

P.O. Box 54

Minneapolis, MN 55440-0054 UNITED STATES

IF YOU SUBMIT THE FORM VIA EMAIL ([REDACTED]@[REDACTED].COM) OR FAX ([REDACTED]-[REDACTED]) OR VIA THE WEB AT [REDACTED].COM USING PERSONAL CODE [REDACTED], IT MUST BE RECEIVED NO LATER THAN [REDACTED], **2021**.

Dated: ____/____/____

Signature



Personal Code
[REDACTED]

Typed or Printed Name

DO NOT FORGET TO DATE, SIGN, AND WRITE YOUR NAME.